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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/383,763	08/26/1999	ROLAND KUHN	9432-000079	7013

7590 07/06/2004

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EXAMINER

ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/383,763

Applicant(s)

KUHN ET AL.

Examiner

Angela A. Armstrong

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 4, 2004 has been entered.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-8, 10, and 12-15 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of Davis et al, U.S. Patent No. 6,330,537, in view of Houser (US Patent No. 5,774,859).

4. Regarding claims 1, 3, 4, 8, 10, and 15, Davis claims an electronic program guide searching system. Specifically, Davis claims,

A speech recognizer receptive of a user's input speech request for information about a program at claim 1;

A natural language parser coupled to said speech recognizer for extracting a semantic representation of the user's request for information at claim 5;

A data store for storing a representation of an electronic programming guide, said programming guide having an indicator identifying the program being enjoyed by said user at the time of said user's request at claim 1;

Search engine to issue at least one search request based on said semantic representation and using the representation of an electronic program guide to constrain said search request to identify useful information relevant to determining what information the user is interested in retrieving at claims 1 and 7;

Filtering the results based on the electronic program guide at claim 7.

Updating information filters based on historical data gathered as user uses the system at claim 7.

Davis does not claim the specifics of the filtering of the results based on the electronic program guide. Refer to Houser who teaches a information system having a speech interface which implements a hypertext-like keyword search feature so that a user may enter a command limiting the search (col. 30, lines 42-67). Specifically, at Figures 13A-13G and col. 31, line 21 continuing to col. 32, line 36, Houser describes a multi-stage filtering process in which information regarding "football" has been filtered to retrieve specific information regarding football limited to information regarding "only sports," which has been filtered and limited to information regarding only sports football and "only today", which is then filtered and limited to

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information regarding “only after eleven am”, which is then filtered and limited to information regarding “only before six pm.” To thereby retrieve information that is related to sports football on that given day, after eleven am and before six pm.

It would have been obvious to one of ordinary skill at the time of the invention to modify the system of Davis to implement the searching and filtering techniques of Houser, for the purpose of reducing the amount of information the user has to review before actually retrieving the desired information, thereby making the system more efficient and more user-friendly.

Davis does not specifically claim a network connection for accessing network-resident information. Houser provides for an information system, which includes an information distribution center, which receives information from one or more information providers. The information includes electronic program guides, database information and wide area network data (col. 5, lines 39-53). Additionally, Houser provides for an information request processor, which may also access a communications network in order to provide access to the Internet and a database server to provide access to reference materials such as encyclopedias, atlases, dictionaries, and the like (col. 11, lines 32-50).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Davis to implement network connections for internet and database access capabilities as taught by Houser, for the purpose of providing flexible access to various types of computer networks and information.

Regarding claims 2 and 12, Davis claims a speech synthesizer coupled to said search results processor for providing the user with synthesized speech information about an audio/video program at claim 2.

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Regarding claim 5, Davis claims search engine includes a user profile data store for storing historical data about prior requests by the user for information at claim 7.

Regarding claims 6 and 13, Davis claims search engine includes mechanism for updating the contents of said electronic program guide data store at claim 6.

Regarding claims 7 and 14, Davis claims the natural language parser includes a set of predefined goal-oriented grammars at claim 5.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Angela A. Armstrong
Examiner
Art Unit 2654

AAA
June 25, 2004

Angela Armstrong